

REMARKS

In the Office Action, the Examiner requires election between the following three species:

- I. A composition comprising a liquid fatty phase and polymer particles dispersed in the fatty phase (Claims 1-27, 31-44, and 51-64);
- II. A composition comprising a liquid fatty phase and polymer particles dispersed in the fatty phase, where the particles are surface stabilized (Claims 28-30); and
- III. A composition comprising a liquid fatty phase and polymer particles dispersed in the fatty phase, where the composition comprises a gelling agent (Claims 45-50).

See Office Action at 2.

Solely to be fully responsive to the election requirement, Applicants elect, with traverse, **Species I**, “a composition comprising a liquid fatty phase and polymer particles dispersed in the fatty phase.” Applicants submit that Claims 1-27, 31-44, and 51-64 read on Species I.

In addition, the Examiner requires election of a “single sub-species from the list of [polymers] that constitutes the polymer particles,” as listed in Claim 23 and as set forth in the Office Action at pages 3-4:

Polyurethanes
Polyurethane-acrylics
Polyureas
Polyureas-polyurethanes
Polyester-polyurethanes
Polyether-polyurethanes
Polyesters
Polyester amides
Fatty-chain polyesters
Alkyds
Acrylic polymers

Vinyl polymers
Acrylic-vinyl copolymers
Acrylic-silicone copolymers
Polyacrylamides
Silicone polymers
Fluoro polymers.

See Office Action at 3-4.

Solely to be fully responsive to the election requirement, Applicants elect, with traverse, **poly(methyl acrylate/acrylic acid)** (disclosed, for example, at paragraphs [059]-[064] and Example 1 of the as-filed specification) as the polymer which constitutes the polymer particles. Applicants submit that Claims 1-27, 31-44, and 51-64 read on the elected species.


Applicants expect the Examiner, if the elected species are found allowable, to continue to examine the full scope of the subject matter to the extent necessary to determine the patentability thereof, as is the duty according to 35 U.S.C. § 121 and M.P.E.P. § 803.2.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 2, 2008

By: 
Deborah M. Herzfeld
Reg. No. 52,211